REMARKS/ARGUMENTS

Claims 1-24 and 26-38 were previously pending. As noted above, claim 14 has been amended, no claims have been canceled, and claims 39-44 have been added. Support for these amendments may be found throughout the Specification.[1] Thus, claims 1-24 and 26-44 are now pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

Claim Rejections – 35 USC § 102

Claims 1, 2, 7, 9-11, 14, 15, 18-21, 24, 26, 27, and 30-36 are rejected under 35 USC § 102(a) as being anticipated by Bauer (European Patent Publication No. EP 1133201 A1). Applicants respectfully traverse this rejection.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."[2]

Bauer fails to disclose or suggest, "the controlling means being arranged <u>to receive parameter data from the segmenting means</u> pertaining to the segmented data frames and radio link resources data from the transmitting means pertaining to the transmission of data frames, to calculate a high watermark value and a low watermark value <u>in response to the received parameter data and radio link resources data</u> corresponding to maximal and minimal numbers of data frames to be buffered in the buffering means, and <u>to control the segmenting means to maintain the number of data frames in the buffering means between the high and low watermark values</u>," (Emphasis added) as recited in independent claim 1 with similar language used in independent claims 14 and 26.

First, the Examiner asserts in the Advisory Action dated September 8, 2009, that Bauer discloses "the controlling means being arranged to receive parameter data from the segmenting means," and cites Bauer, paragraphs [0011] and [0020] as support. The cited paragraphs read as follows:

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[1] See, e.g., Specification, paragraphs [0021].
[2] In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999)(quoting Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

[0011] In Figure 1 a GPRS system 10 comprises a GPRS Backbone System (BGS) 12 containing a Serving GPRS Node (SGSN) 14 which is connected by an interface link Gb 16 to a Packet Control Unit (PCU) 18 within a Base Station System (BSS) 20. The PCU 18 is connected to a number of Mobile Systems (MS) 22 through an interface link Um 24. ...

[0020] The DL requests schedule 26 allocates resources, ie, it decides which is the next MS 22 to be connected over the link 24; it requests additional timeslots when the timeslot trigger TS(u) is activated on connection (3)-(3) and it returns timeslots when they are no longer required.

The Examiner contents that the above cited paragraphs teach that the PCU receives parameter data from the scheduler, and that the PCU and scheduler "are able to satisfy the requirements of Applicant's controlling means and segmenting means, respectively." *See*, Advisory Action, Continuation of (11.). Applicants respectfully disagree for at least the following reasons.

Contrary to the Examiner's assertion, the above cited passages describe how the scheduler determines parameter data for itself. The following emphasized passage demonstrates this reading. "DL requests scheduler 26 [that] allocates resources, ie. it decides which is the next MS 22 to be connected over the link 24; it requests additional timeslots when the timeslot trigger TS(u) is activated on connection (3)-(3), and it returns timeslots when they are no longer required." (See, e.g. Bauer, Paragraph [0005]) (Emphasis added). As such, rather than responding to received parameters, the DL requests scheduler "decides," "requests," and "returns" without receiving commands and/or parameters.

Second, the Examiner asserts in the Advisory Action dated September 8, 2009, that Bauer discloses "controlling the segmenting means "to maintain the number of data frames in the buffering means between the high and low watermark values," and cites Bauer, paragraph [0014] lines 1-4 as support. The cited passage read as follows:

"In normal operation at normal traffic flow rates. a new call to a MS 22 is received over the Gb link 16, and the first Protocol Data Unit DL-UNITDATA PDU passes to the queue 38 of the DL requests scheduler 26. The scheduler 26 instructs the RLC/MAC blocks scheduler 34 to allocate capacity, and a Temporary Block Flow (TBF) queue, such as queue 42, is set up for the called mobile."

Contrary to the Examiner's assertions, rather than disclosing controlling the segmenting means "to maintain the number of data frames in the buffering means between the high and low watermark values," the cited passage discloses allocating available capacity with no reference to the high and low watermark values.

Further, Bauer teaches sending "a BVC flow control message over connection 46 through the interface Gb to the SGSN, requesting that data is sent at a lower bit rate." (*See, e.g.* Bauer, Paragraph [0029]). In other words, rather than controlling the segmenting means, Bauer discloses sending a message to the SGSN to alter the data flow rate. As such, Bauer neither discloses nor suggests the recited subject matter.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2, 7, 9-11, 14, 15, 18-21, 24, 26, 27, and 30-36 USC § 102(a) as being anticipated by Bauer.

Claim Rejections – 35 USC § 103

Claims 3, 4, 12, 16, 17, 22, 23 28, 29, 37 and 38 are rejected under 35 USC § 103(a), as being obvious over Bauer in view of Rajaraman (US Patent No. 5802310). Applicants respectfully traverse this rejection.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.[3]

As noted above, Bauer fails to disclose or suggest the subject matter as presently recited. The addition of Rajaraman fails to cure the above-discussed deficiencies in Bauer, as Rajaraman fails to address these deficiencies.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 3, 4, 12, 16, 17, 22, 23 28, 29, 37 and 38 USC § 103(a) as being obvious over Bauer in view of Rajaraman.

New Claims

Applicants have added new claims 39-44 to recite subject matter to which they are entitled. As noted above, these new claims are fully supported throughout the Specification.

Additionally, claims 39-44 are allowable, as there is no combination of the cited references that discloses or suggests the subject matter recited by these claims. In particular,

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[3] MPEP, section 2142.

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claims 39-44 are allowable for at least the same reasons discussed above with respect to claims 1, 14 and 26 from which they depend, respectfully.

Therefore, Applicants respectfully request that the Examiner allow claims 39-44.
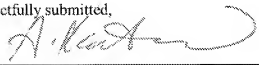
CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: October 13 2009   By: _____

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